



February 4, 2005

---

## SENATE BILL No. 180

---

DIGEST OF SB 180 (Updated February 2, 2005 12:28 pm - DI 106)

**Citations Affected:** IC 35-38.

**Synopsis:** Community corrections for certain OWI offenses. Allows a court to order a person who is convicted of a felony for operating a vehicle while intoxicated (OWI) and who has two prior unrelated convictions for operating a vehicle while intoxicated to be placed in a community corrections program under certain circumstances.

**Effective:** July 1, 2005.

---

---

**Lanane**

---

---

January 4, 2005, read first time and referred to Committee on Judiciary.  
February 3, 2005, amended, reported favorably — Do Pass.

---

---

C  
o  
p  
y

SB 180—LS 6776/DI 107+



February 4, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 180

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-38-2.6-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as  
3 provided in subsection (b), this chapter applies to the sentencing of a  
4 person convicted of:

5 (1) a felony whenever any part of the sentence may not be  
6 suspended under IC 35-50-2-2 or IC 35-50-2-2.1; or

7 (2) a misdemeanor whenever any part of the sentence may not be  
8 suspended.

9 (b) This chapter does not apply to persons convicted of any of the  
10 following:

11 (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

12 (2) Any of the felonies listed in IC 35-50-2-2(b)(4), **except for**  
13 **IC 35-50-2-2(b)(4)(Q). A person who is convicted of a felony**  
14 **under IC 9-30-5 and to whom IC 35-50-2-2(b)(4)(Q) applies is**  
15 **eligible for placement in a community corrections program**  
16 **under the conditions set forth in section 3.5 of this chapter.**

17 SECTION 2. IC 35-38-2.6-3.5 IS ADDED TO THE INDIANA

SB 180—LS 6776/DI 107+



C  
o  
p  
y

CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. A court may order a person  
 who is convicted of a felony under IC 9-30-5 and to whom  
 IC 35-50-2-2(b)(4)(Q) applies to be placed in a community  
 corrections program under section 3 of this chapter if the court:**

**(1) determines at the time of sentencing that:**

**(A) placement in a community corrections program will  
 more adequately allow for the treatment and rehabilitation  
 of the person than commitment to the department of  
 correction; or**

**(B) commitment to the department of correction will result  
 in an undue hardship on the person or the dependents of  
 the person; and**

**(2) requires the person to:**

**(A) serve the nonsuspendible part of the sentence in a  
 community corrections:**

**(i) work release program; or**

**(ii) program that uses electronic monitoring as part of  
 the person's supervision; and**

**(B) participate in a court approved substance abuse  
 program.**

**C  
o  
p  
y**



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 5, after "court" insert ":

**(1)".**

Page 2, line 7, delete "(1)", begin a new line double block indented and insert:

**"(A)".**

Page 2, line 10, delete "(2)", begin a new line double block indented and insert:

**"(B)".**

Page 2, line 12, delete "." and insert "; and

**(2) requires the person to:**

**(A) serve the nonsuspendible part of the sentence in a community corrections:**

**(i) work release program; or**

**(ii) program that uses electronic monitoring as part of the person's supervision; and**

**(B) participate in a court approved substance abuse program."**

and when so amended that said bill do pass.

(Reference is to SB 180 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 7, Nays 2.

C  
o  
p  
y

